

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** October 26, 2009  
**POSITION:** Oppose

**BILL NUMBER:** AB 558  
**AUTHOR:** A. Portantino

### **BILL SUMMARY:** Sexual Assault Crimes

This bill would require local law enforcement agencies responsible for taking or processing rape kit evidence to provide an annual report to the Department of Justice (DOJ) which includes statistical information pertaining to the processing of rape kits. The initial report would be required to be submitted to DOJ by July 1, 2012. The provisions of this bill would become inoperative on July 1, 2016 and as of January 1, 2017 would be repealed.

### **FISCAL SUMMARY**

By requiring local law enforcement agencies to provide a new report to the Department of Justice, this bill could result in a state-mandated local program. Though this bill does not mandate a "higher level of service," local entities have previously sought mandate reimbursement for state laws which increased their costs, and have been successful. The potential costs associated with this mandate are unknown, but at a time when the state is facing unprecedented fiscal challenges, any amount of increased costs could not be accommodated by the State.

Staff of the DOJ report no fiscal impact associated with this bill, primarily because the bill does not require them to do anything with the reports. However, we believe there would be an expectation that DOJ perform certain duties in order to compile and potentially distribute the information to interested parties. Specifically, because the bill would provide that the reports are subject to inspection under the Public Records Act (PRA), it is likely that DOJ would incur staff costs associated with responding to PRA requests for this information.

### **COMMENTS**

The Department of Finance is opposed to this bill because it is likely to result in a reimbursable state mandate of unknown fiscal magnitude, which the state cannot afford at this time. This bill is similar to AB 1017 of 2009, which was vetoed by the Governor due to concerns that requiring law enforcement agencies to provide these statistics would divert resources from the ability of these agencies to process backlogged rape kits, as well as the potential cost pressures for DOJ.

Existing law authorizes a law enforcement agency investigating certain felony sex offenses, subject to specified conditions, to inform the victim whether or not a DNA profile was obtained from the testing of the rape kit or other crime scene evidence, whether that information has been entered into the DOJ Data Bank of case evidence, and whether or not there is a match between the DNA profile collected from the crime scene and a DNA profile in the DOJ Data Bank. Existing law also provides for specified victim notification requirements relative to non-performance of DNA testing or disposal/destruction of evidence prior to the expiration of the statute of limitations.

This bill would require local law enforcement agencies responsible for taking or processing rape kit evidence to provide an annual report to the Department of Justice (DOJ) which includes statistical information pertaining to the processing of rape kits. The initial report would be required to be submitted to

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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

<b>BILL ANALYSIS</b>	Form DF-43 (Rev 03/95 Buff)
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**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)****Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

A. Portantino

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AB 558

DOJ by July 1, 2012. The provisions of this bill would become inoperative on July 1, 2016 and as of January 1, 2017 would be repealed.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Fund Code
0820/Justice	SO	No	-----	See Fiscal Summary	-----				0001
0820/Justice	LA	No	-----	See Fiscal Summary	-----				0001